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Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/164,287	10/01/98	KAWANISHI	S 19036/35043

NATE F SCARPELLI  
MARSHALL O TOOLE GERSTEIN MURRAY  
AND BORUN 6300 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO IL 60606-6402

QM32/0216

EXAMINER

LIN, J

ART UNIT	PAPER NUMBER
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3737

DATE MAILED:

02/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/164,287

Applicant(s)

Kawanishi et al.

Examiner

Jeoyuh Lin

Group Art Unit

3737



☒ Responsive to communication(s) filed on Feb 1, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-6 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Application/Control Number: 09164287  
Art Unit: 3737

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U.S. Department of Commerce  
Patent and Trademark Office  
Washington D.C. 20231  
February 10, 2000

Nate F. Scarpelli, Reg. #22,320  
Marshall, O'Toole, Gerstein, Murray & Borun  
6300 Sears Tower  
233 S. Wacker Drive  
Chicago, Illinois 60606


Dear Sir:

In response to the letter sent on February 1, 2000, paper No. 8, requesting stating the omission of the two main cited references -- Masuo, U.S. Patent No. 5,579,782, and Masuo et al., U.S. Patent No. 5,817,031, as well as their exclusion from the PTO Form 892, the examiner has provided the applicant with copies of the said two references and a revised PTO Form 892 inclusive of the said two references. Also, in response to the inadvertent omission of the two Masuo references (U.S. Patent Nos. 5,579,782 and 5,817,031), the response time for this reference has been reset to the date specified on the office action summary, as is provided separately. Please excuse any inadvertent delay of time.

Sincerely,



Jeoyuh Lin



Marvin M. Lateer  
Supervisory Patent Examiner  
Group 3700